

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
RUSSELL J. ARCHIBALD,)	
)	
Plaintiff,)	
v.)	C.A. No. 04-10503-MEL
)	
MEL MARTINEZ, SECRETARY OF)	
HOUSING AND URBAN DEVELOPMENT,)	
)	
Defendant.)	
_____)	

**DEFENDANT'S MEMORANDUM IN SUPPORT OF HIS
MOTION FOR SUMMARY JUDGMENT**

Defendant, Secretary of Housing and Urban Development (hereinafter “HUD” or “Defendant”), by and through his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, herein moves this Court to grant his Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(b) and (c) . For the reasons set forth in the defendant’s attached Memorandum of Law with supporting exhibits, the undisputed material facts show that the defendant is entitled to judgment in his favor.

WHEREFORE, based on the arguments and authorities stated in this Motion and attached Memorandum of Law with Supporting Exhibits, the defendant moves this Court to grant his Motion for Summary Judgment.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Rayford A. Farquhar
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 15, 2007.

/s/ Rayford A Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney